

**DRAFT SERVICE RULES, 2012 FOR PROSECUTION DIRECTORATE
FATA, FATA TRIBUNAL AND SUPPORT STAFF**

FATA Secretariat Warsak Road Peshawar

By:

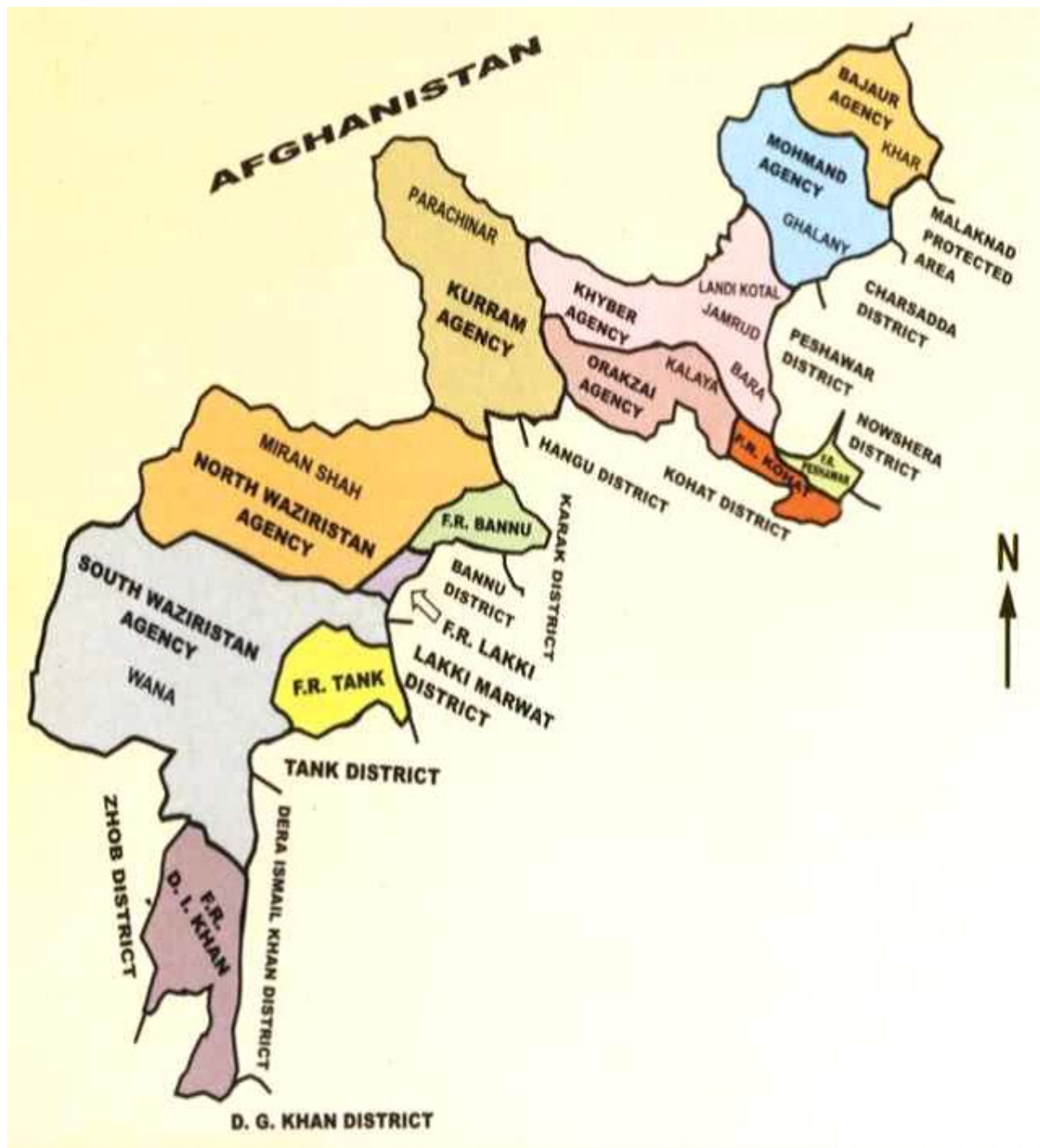
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FATA INSTITUTIONAL STRENGTHENING PROJECT (FISP) SECRETARIAT

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MAP OF FATA



ABBREVIATIONS AND ACRONYMS

FATA	Federally Administered Tribal Areas
FCR	Frontier Crime Regulation
PER	Performance Evaluation Report
DDO	Drawing and Disbursing Officer
Cr.P.C	Criminal Procedure Code
SSRC	Standing Service Rule Committee

INTRODUCTION

The Federally Administered Tribal Areas (FATA) comprises of seven Agencies and six Frontier Regions administered through a special law known as the Frontier Crimes Regulation (1901). The basic purpose of the FCR (Frontier Crimes Regulation 1901) was to indirectly administer these strategic areas in the interest of the colonial power. In the Constitution of 1962, higher judiciary had jurisdiction over Tribal Areas/ Frontier Regions but later on an amendment was made in Article 223 (5) to erase the jurisdiction of higher judiciary in the Tribal Areas. Inadequate justice and rule of law has been an integral dimension of the crisis in FATA. The ascendancy of militancy, for example, was directly linked to perceived degradation in the responsiveness of the traditional Jirga justice system. The militants have effectively exploited the perceived inadequacy and slowness of justice, by presenting themselves foremost as swift and effective arbiters of the law.

The President of Pakistan while approving the amendments in the FCR, authorized setting up FATA tribunal allowing the citizens of FATA the right to appeal against decisions taken by the Political Agent. The Governor of KP in exercise of powers conferred in Section 55 of FCR nominated a Chairman and two members for FATA tribunal. The tribunal is a nascent entity and considering its significance demands immediate support to help build its capacity to facilitate in administering justice to the citizens of FATA

The Tribunal shall have the same powers with which the Appellate authority has been invested under section 50 and 52 of this Regulation and may also call for the record of any proceedings or case from the subordinate forum and revise any decision, decree, sentence or order given, passed or made under this Regulation.

OBJECTIVE OF THE ASSIGNMENT

The objectives of the assignment were to develop Service Rules for Prosecution Directorate, FATA Tribunal and Support staff. Which would lay a solid foundation for smooth and effective implementation of proper judicial system in place for the provision of justice to the resident of FATA on permanent basis.

METHODOLOGY

Desk review of various Laws and Rules governing the appointment, promotion and transfer relating to different Departments of the Provincial Government especially of Prosecution Service (Constitution, Functions and Powers) Act, 2005, Prosecution Service Rules, 2005 as amended in 2010 and Government Pleader Appointment Rules, 1978 have been made besides holding of meeting with all stakeholders for incorporating their view points in making these rules more comprehensive.

DRAFT FATA PROSECUTION SERVICE RULES, 2012

1. Short title, extent and commencement.

These Rules may be called as the Prosecution Service Rules, 2012 for the office of Directorate of Prosecution in the Federally Administered Tribal Area.

2. These shall extend to the whole of Federally Administered Tribal Area.

3. These shall come in to force as and when notified in the official gazette.

4. Definitions:-

i. ~~D~~irector General Prosecution means the Chief Prosecutor of the Federally Administered Tribal Area responsible for the management of Prosecution and control over subordinate Prosecutors.

ii. ~~P~~ublic Prosecutor means a person appointed under section 492 Cr.P.C and include Senior Public Prosecutor, Agency Public Prosecutor, Agency Additional Public Prosecutor as well as Special Public Prosecutor

5. Prosecution Service shall be headed by a Director General Prosecution, who shall be an officer in BS-20. He shall head the Administration of Prosecution Service in Federally Administered Tribal Area as an attached Department of Law and Order Department FATA Secretariat.

6. The Director General Prosecution shall be assisted in the discharge of his official duties/functions by the following officers.
 - i. Director Administration Prosecution BS-19
 - ii. Director Legal Prosecution BS-19
 - iii. Senior Public Prosecutor in BS-19
 - iv. Agency Public Prosecutor in BS-18
 - v. Agency Additional Public Prosecutor in BS-17
7. The Prosecution Service at the Agency level shall be headed by an officer in BPS-18 to be designated as Agency Public Prosecutor.
8. The Agency Public Prosecutor shall also be responsible for the Administration of Prosecution service at Agency level.
9. The Agency Public Prosecutor shall be assisted by such number of Agency Additional Public Prosecutor in BS-17 as the Government may, from time to time, determine keeping in view the number of courts in FATA.
10. Entry into Service.
 - i. Entry in to Prosecution Service at level of Agency Additional Public Prosecutor (BS-17) shall through the Public Service Commission.
 - ii. The probation period of appointees shall be two years and the newly inducted officers shall receive pre-service training for a period of six months, which shall include three months in the Academy while three months attachment with various criminal courts/Prosecutors.

S. No.	Nomenclature	Scale of Post	Minimum Qualification	Method of Recruitment	Age Limit
1.	Director General Prosecution	BS-20	--	i. By transfer from DMG/ PMS Officers; ii. By promotion from amongst the officers of prosecution service in BS-19, with at least seventeen years of service in BS-17 and above.	--
2.	Director Administration Prosecution	BS-19	--	i. By promotion from amongst the officers of prosecution service with at least twelve years service in BS-17 and above. ii. By transfer from amongst DMG/PMS Officers iii. By transfer from officer of Prosecution service Khyber Pakhtunkhwa	--
3.	Director Legal Prosecution	BS-19	--	i. By promotion from amongst the officers of prosecution service with at least twelve years service in BS-17 and above. ii. By transfer from officer of Prosecution service Khyber Pakhtunkhwa	--
4.	Senior Public Prosecutor	BS-19	--	i. By promotion from amongst the officers of prosecution service with at least twelve years service in BS-17 and above. ii. By transfer from amongst the officers of prosecution service Khyber Pakhtunkhwa.	--

5.	Agency Public Prosecutor	BS-18	--	i. By promotion from amongst the officer prosecution service with at least five years service. ii. By transfer from amongst the officers of prosecution service Khyber Pakhtunkhwa.	--
6.	Agency Additional Public Prosecutor	BS-17	i. Law Graduate with at least second division from a recognized university; ii. Must possess a license from the Bar Counsel; iii. At least five years Experience as lawyer.	Through the Public Service Commission.	23-32 Years

11. Senior Public Prosecutor shall work in the Frontier Crime Regulation Tribunal as well as in the Court of Commissioner Frontier Crime Regulation.
12. Agency Public Prosecutor shall work in the Court of Political Agents/District Magistrates
13. Agency Additional Public Prosecutor shall work in the Court of Assistant Political Agency/Additional District Magistrates.
14. The Officers and members of the staff shall be civil servants within the meaning of the Civil Servant Act, 1973 (Federal) and their terms and conditions of service shall be such as may be prescribed under the said Act and Rules made there under.
15. Performance Evaluation Reports (PERs)

- i. The reporting officer in case of Performance Evaluation Reports of the Director General Prosecution FATA shall be the Secretary Law & Order and Additional Chief Secretary FATA shall be countersigning officer.
- ii. The reporting officer in case of Performance Evaluation Reports of the Director Administration Prosecution and Director Legal Prosecution shall be the Director General Prosecution FATA and the Secretary Law & Order shall be the countersigning officer.
- iii. The reporting officer in case of Senior Public Prosecutor and Agency Public Prosecutor shall be the Director General Prosecution FATA and the Secretary Law & Order shall be the countersigning officer.
- iv. The reporting officer in case of Agency Additional Public Prosecutor shall be the Agency Public Prosecutor and the Director General Prosecution FATA shall be the countersigning officer.

SERVICE RULES FOR SUPPORT STAFF

**PROSECUTION SERVICE RULES FOR SUPPORT STAFF IN THE DIRECTORATE OF PROSECUTION
IN THE FEDERALLY ADMINISTERED TRIBAL AREA**

S. No.	Nomenclature	Scale of Post	Minimum Qualification	Method of Recruitment	Age Limit
1.	Office Superintendent	BS-16	--	By promotion on the basis of seniority-cum-fitness from amongst the Assistants with at least 10-years service as such.	--
2.	Assistant	BS-14	Bachelor's degree from a recognized university	a. 75% by promotion on the basis of seniority-cum-fitness from amongst senior clerks with at least five years service. b. 25 % by initial recruitment through Public Service Commission.	18-30 Years
3.	Computer Operator	BS-12	i. Bachelor's degree with at least second division, from a recognized university; ii. Diploma in Information Technology from Technical Board.	By initial recruitment through Public Service Commission.	18-30 Years
4.	Senior Clerk	BS-07	By promotion	By promotion through Departmental Promotion Committee on the basis of seniority-cum-fitness from amongst the junior clerks with at least five years experience.	--

5.	Junior Clerk	BS-05	i. Matriculation or equivalent qualification from a recognized board; and ii. A speed of 30 words per minutes in typing.	a. 33% by promotion through Departmental Promotion Committee on the basis of seniority-cum-fitness from amongst Naib Qasids or other equivalent posts in the Government service with two years service who having secondary school certificate. b. 67% by initial recruitment through Departmental Selection Committee.	18-25 Years
6.	Naib Qasid	BS-01	Middle standard	By initial recruitment through Departmental Selection Committee.	18-40 Years
7.	Chowkidar	BS-01	Literate	By initial recruitment through Departmental Selection Committee.	18-40 Years
8.	Sweeper	BS-01	Literate	By initial recruitment through Departmental Selection Committee.	18-40 Years

SERVICE RULES FOR FATA TRIBUNAL

RULES FOR FRONTIER CRIME REGULATION TRIBUNAL IN FEDERALLY ADMINISTERED TRIBAL AREA

S. No.	Nomenclature	Scale Of Post	Minimum Qualification	Method Of Recruitment	Age Limit
1.	Registrar	BS-18	--	<p>i. By promotion from amongst the Assistant Registrar with at least 05-years of service in BS-17;</p> <p>ii. By transfer from amongst the DMG/PMS officers with legal background;</p>	--
2.	Assistant Registrar	BS-17	<p>i. Law Graduate with at least second division from a recognized university;</p> <p>ii. Must possess a license from the Bar Counsel;</p> <p>iii. At least five years Experience as lawyer.</p>	<p>i. By Promotion from amongst the Superintendent/Reader FCR Tribunal with at least 10 years service.</p> <p>ii. By initial recruitment through Public Service Commission;</p> <p>iii. By transfer from amongst the PMS officers with legal background;</p> <p>iv. By transfer from amongst Officer in BS-17 of the Prosecution Directorate FATA</p>	--

SERVICE RULES FOR SUPPORT STAFF FATA TRIBUNAL

RULES FOR FRONTIER CRIME REGULATION TRIBUNAL IN FEDERALLY ADMINISTERED TRIBAL AREA

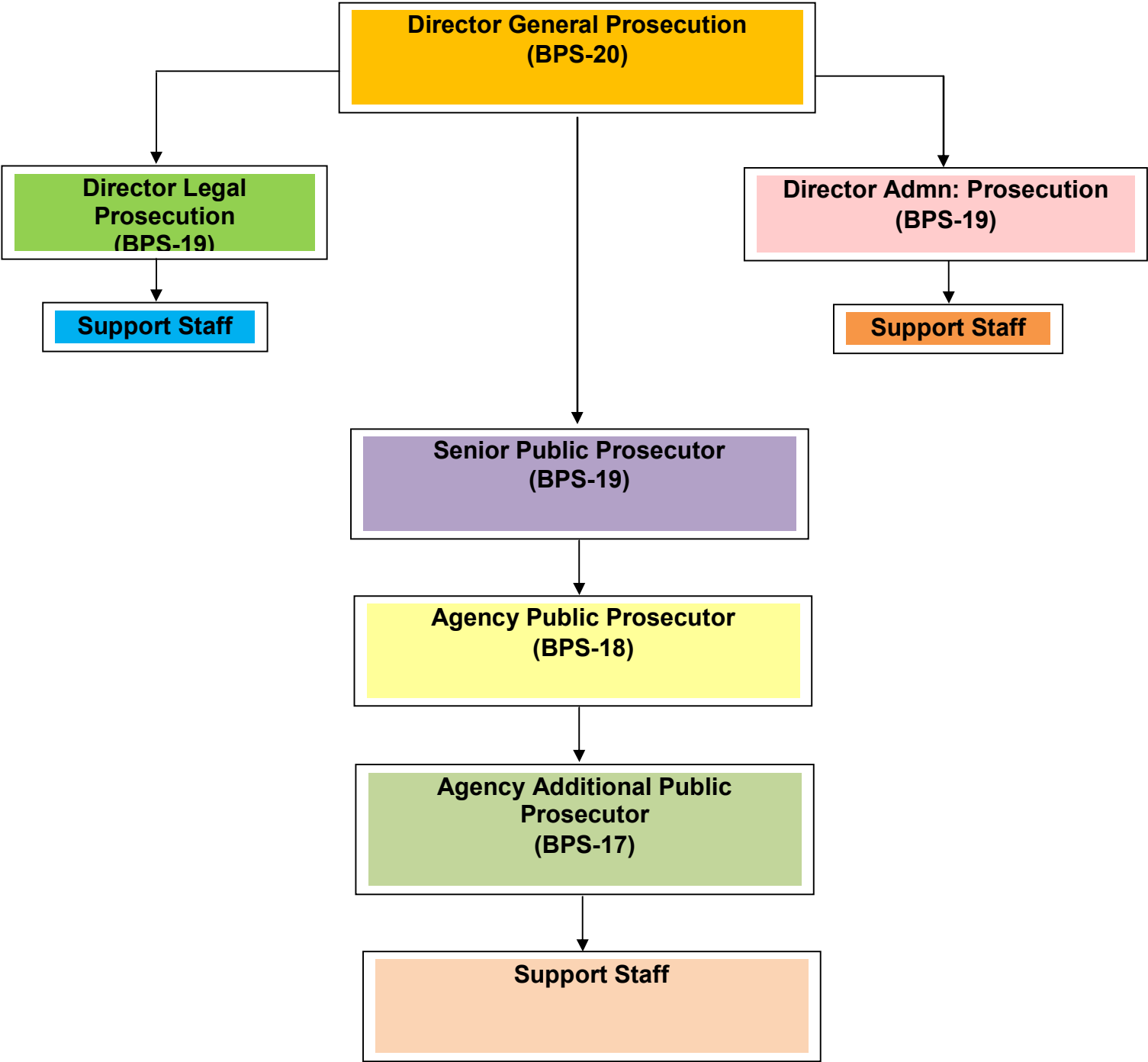
S. No.	Nomenclature	Scale of Post	Minimum Qualification	Method of Recruitment	Age Limit
3.	Office Superintendent	BS-16	--	By promotion on the basis of seniority-cum-fitness from amongst the Assistants with at least 10-years service as such.	--
4.	Reader	BS-16	--	i. By promotion from amongst the Senior Clerks with at least 10 years of service	--
5.	Assistant	BS-14	Bachelor's degree from a recognized university	a. 75% by promotion on the basis of seniority-cum-fitness from amongst senior clerks with at least five years service. b. 25 % by initial recruitment through Public Service Commission.	18-30 Years
6.	Computer Operator	BS-12	i. Bachelor's degree with at least second division, from a recognized university; ii. Diploma in Information Technology from Technical Board.	By initial recruitment through Public Service Commission.	18-30 Years

7.	Senior Clerk	BS-07	By promotion	By promotion through Departmental Promotion Committee on the basis of seniority-cum-fitness from amongst the junior clerks with at least five years experience.	--
8.	Junior Clerk	BS-05	i. Matriculation or equivalent qualification from a recognized board; and ii. A speed of 30 words per minutes in typing.	a. 67% by initial recruitment through Departmental Selection Committee. b. 33% by promotion through Departmental Promotion Committee on the basis of seniority-cum-fitness from amongst Naib Qasids or other equivalent posts in the Government service with two years service who having secondary school certificate.	18-25 Years
9.	Naib Qasid	BS-01	Middle standard	By initial recruitment through Departmental Selection Committee.	18-40 Years
10.	Chowkidar	BS-01	Literate	By initial recruitment through Departmental Selection Committee.	18-40 Years
11.	Sweeper	BS-01	Literate	By initial recruitment through Departmental Selection Committee.	18-40 Years

PEOPLE MET

S. No.	Name of Officer	Designation
1.	Shah Wali Khan	Chairman Tribunal
2.	Akber Khan	Member
3.	Pir Fida	Member
4.	Mr. Jamal Nasir	Secretary Law and Order FATA Secretariat
5.	Hyder Yahaya	Governance Specialist
6.	Akbar Ali	Registrar Tribunal
7.	Muhammad Zahoor	Coordinator ISU PCNA

ORGANOGRAM FOR THE DIRECTORATE OF PROSECUTION IN FATA
AS WELL AS PROSECUTION SETUP AT THE AGENCY LEVEL



SAMPLE NOTIFICATION FOR ATTACHED DEPARTMENT OF FATA
TRIBUNAL

NOTIFICATION:

No. _____ :- Consequent upon the Establishment of Frontier Crime Regulation Tribunal in line with new insertion in Frontier Crime Regulation, 1901, the competent authority is pleased to notify the newly established Tribunal as an attached Department of the Law and Order Department. The Competent Authority is further pleased to designate Chairman Frontier Crime Regulation Tribunal as Head of the same/Principal Accounting Officer for the FCR Tribunal establishment in the public interest.

Necessary amendments in the FATA Rules of Business, 2006 shall be made separately.

**Additional Chief Secretary
FATA**

Endst: of Even No. & Date:-

Copy forwarded for information to:-

1. The Secretary to Govt: of Pakistan, State and Frontier Region, Islamabad.
2. The Chief Secretary Khyber Pakhtunkhwa.
3. Principal Secretary to Governor, Khyber Pakhtunkhwa.
4. All Administrative Secretaries in FATA Secretariat.
5. The Manger State Bank of Pakistan, Peshawar.
6. The Manger National Bank, Peshawar.
7. The Additional AGPR, Government of Pakistan, Peshawar.

**Additional Chief Secretary
FATA**

SAMPLE NOTIFICATION FOR DECLARATION OF DOO

NOTIFICATION:

No. _____ :- Mr. Shah Wali Khan Chairman Frontier Crime Regulation (FCR) Tribunal is hereby declared as Drawing and Disbursing Officer (D.D.O) for establishment of FCR Tribunal under the provision contained in Rules-3 of the General Financial Year (GFR) Vol-I under function classification 01-General Public Service, 019-General Public Services not elsewhere defined, 0191-General Public Services not elsewhere defined, 019120- others.

SECRETARY

Law & Order FATA Secretariat

Endst: of Even No. & Date:-

Copy forwarded for information to:-

1. The Secretary to Govt: of Pakistan, State and Frontier Region, Islamabad.
2. All Administrative Secretaries in FATA Secretariat.
3. The Additional AGPR, Government of Pakistan, Peshawar
4. The Registrar Frontier Crime Regulation Tribunal, Peshawar.

SECRETARY

Law & Order FATA Secretariat